

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 26, 2024
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB24-1030 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 4, strike lines 25 through 27.
- 2 Page 5, strike lines 1 through 23.
- 3 Renumber succeeding subsections accordingly.
- 4 Page 8, after line 19 insert:
 - 5 "(2) "CLASS I RAILROAD" HAS THE MEANING SET FORTH IN 49
 - 6 U.S.C. SEC. 20102 (1)."
- 7 Renumber succeeding subsections accordingly.
- 8 Page 8, after line 23, insert:
 - 9 "(5) "COMMUNITY RAIL SAFETY ADVISORY COMMITTEE" MEANS
 - 10 THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE" CREATED IN
 - 11 SECTION 40-20-313."
- 12 Renumber succeeding subsections accordingly.
- 13 Page 9, line 3, strike "(8)" and substitute "(11)".
- 14 Page 9, after line 8 insert:
 - 15 "(8) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
 - 16 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II)."

- 1 Renumber succeeding subsections accordingly.
- 2 Page 9, line 14, strike "40-20-306." and substitute "40-20-309."
- 3 Page 11, line 7, after "COMMISSION"" insert "OR "COMMISSION"".
- 4 Page 11, after line 8 insert:
- 5 "(20) "RAIL INDUSTRY SAFETY ADVISORY COMMITTEE" MEANS THE
6 RAIL INDUSTRY SAFETY ADVISORY COMMITTEE CREATED IN SECTION
7 40-20-314."
- 8 Renumber succeeding subsections accordingly.
- 9 Page 11, strike line 27 and substitute:
- 10 "**40-20-303. Wayside detector system**".
- 11 Page 12, strike lines 2 through 4 and substitute "**crossing**".
- 12 Renumber succeeding subsections accordingly.
- 13 Page 12, line 5, strike "(3)" and substitute "(2)".
- 14 Page 13, line 22, strike "(2)" and substitute "(1)".
- 15 Page 14, line 1, after "POSSIBLE," insert "AND EXCEPT AS OTHERWISE
16 PROVIDED BY FEDERAL LAW,".
- 17 Page 14, line 15, strike "(4)," and substitute "(3)".
- 18 Page 14, after line 18 insert:
- 19 "(II) A POLICE VEHICLE;".
- 20 Renumber succeeding subparagraphs accordingly.
- 21 Page 14, after line 26 insert:
- 22 "**40-20-304. Emergency operations.** (1) STATE EMERGENCY
23 RESPONSE AUTHORITIES MAY TAKE ACTIONS NECESSARY TO PROTECT
24 RAILROADS, RAIL WORKERS, AND PUBLIC SAFETY IN THE EVENT OF AN
25 EMERGENCY SUCH AS WILDFIRE, FLOOD, EARTH MOVEMENT, OR CIVIL

1 DISORDER, INCLUDING STOPPING OR REROUTING RAIL TRAFFIC IF DEEMED
2 NECESSARY.

3 (2) A RAILROAD SHALL RESPOND TO A STATE EMERGENCY
4 RESPONSE AUTHORITY PROMPTLY AND WORK CLOSELY WITH STATE AND
5 LOCAL OFFICIALS DURING EMERGENCIES TO COORDINATE RESPONSE
6 EFFORTS AND ENSURE THE SAFETY OF RAIL PERSONNEL AND THE PUBLIC.

7 **40-20-305. Incident response requirements.** (1) (a) A RAILROAD
8 OPERATING IN COLORADO THAT ACCOMMODATES HIGH-HAZARD
9 FLAMMABLE TRAINS OR HIGH-HAZARD HIGH-CONSEQUENCE HAZARDOUS
10 MATERIAL SHALL COORDINATE WITH THE DEPARTMENT OF PUBLIC SAFETY
11 REGARDING EMERGENCY RESPONSE AND SPILL RESPONSE CAPACITY AND
12 PLANNING. THE RAILROAD AND THE DEPARTMENT OF PUBLIC SAFETY
13 SHALL COORDINATE REGARDING THE ADEQUACY OF CACHES OF
14 EQUIPMENT, SUPPLIES, AND AVAILABLE STAFF TO MITIGATE ALL HAZARDS
15 LIKELY WITHIN THE AREA COVERED BY EACH CACHE, INCLUDING
16 CONSIDERATION OF:

- 17 (I) FIRE SUPPRESSION FOAM AND FOAM SYSTEMS;
- 18 (II) ABSORBENT MATERIALS AND CONTAINMENT BOOMS;
- 19 (III) SPECIALIZED LEAK MITIGATION AND REPAIR KITS;
- 20 (IV) CHEMICAL PROTECTIVE CLOTHING;
- 21 (V) PERSONNEL DECONTAMINATION SUPPLIES;
- 22 (VI) INTEROPERABLE COMMUNICATION EQUIPMENT; AND
- 23 (VII) RESPONSE TIMES.

24 (b) A RAILROAD SHALL ENSURE THAT LOCAL AND STATE FIRST
25 RESPONDERS HAVE ACCESS TO THE CACHED EQUIPMENT NECESSARY TO
26 RESPOND TO RAIL INCIDENTS.

27 (c) RESOURCES DESCRIBED IN THIS SUBSECTION (1) MAY BE
28 MAINTAINED:

29 (I) AS PARTNERSHIPS WITH FEDERAL, STATE, COUNTY, OR LOCAL
30 AGENCIES, INCLUDING LOCAL FIRE DEPARTMENTS AND POLICE
31 DEPARTMENTS; OR

32 (II) PURSUANT TO CONTRACTS BETWEEN EMERGENCY RESPONSE
33 ENTITIES.

34 (2) NOTHING IN THIS SECTION CREATES ANY DUTY FOR A LOCAL
35 GOVERNMENT; EXCEPT THAT A LOCAL GOVERNMENT MAY AGREE TO
36 ASSUME DUTIES DELEGATED TO THE LOCAL GOVERNMENT BY A RAILROAD.

37 (3) A RAILROAD MAY PARTNER WITH ONE OR MORE COUNTIES OR
38 OTHER REGIONAL ENTITIES TO SUPPORT REGIONAL HAZARDOUS MATERIALS
39 TEAMS AND CAPABILITIES.

40 (4) EACH RAILROAD SHALL COORDINATE WITH THE DEPARTMENT
41 OF PUBLIC SAFETY TO CONDUCT AT LEAST TWO HAZARDOUS MATERIALS
42 RESPONSE TABLETOP EXERCISES WITH OTHER FEDERAL, REGIONAL, STATE,
43 AND LOCAL AGENCIES, INCLUDING AT LEAST ONE SCENARIO INVOLVING

1 DERAILMENT AND RELEASE OF CRUDE OIL OR OTHER FLAMMABLE
2 MATERIALS AND AT LEAST ONE INCIDENT WITH DERAILMENT INVOLVING
3 INHALATION HAZARDS.

4 **40-20-306. Emergency notifications.** (1) WITHIN THIRTY
5 MINUTES AFTER AN EMERGENCY INVOLVING A TRAIN OCCURS, THE
6 RAILROAD OPERATING THE TRAIN SHALL NOTIFY THE STATE'S WATCH
7 CENTER OF THE EMERGENCY BY TELEPHONE OR ANOTHER AGREED-UPON
8 METHOD OF COMMUNICATION TO ENSURE THAT AUTHORITIES CAN
9 RESPOND SWIFTLY AND APPROPRIATELY. EMERGENCY CONDITIONS THAT
10 REQUIRE A RAILROAD TO PROVIDE SUCH NOTICE INCLUDE:

- 11 (a) RELEASE OF ANY HAZARDOUS MATERIAL;
- 12 (b) DEATH OF ANY INDIVIDUAL;
- 13 (c) INJURY TO ANY INDIVIDUAL THAT REQUIRES MEDICAL
14 TREATMENT IN ADDITION TO FIRST AID;
- 15 (d) ANY FIRE OR RISK OF FIRE; AND
- 16 (e) PROPERTY DAMAGE AMOUNTING TO FIFTY THOUSAND DOLLARS
17 OR MORE.

18 (2) THE NOTIFICATION DESCRIBED IN SUBSECTION (1) OF THIS
19 SECTION MUST INCLUDE:

- 20 (a) DETAILS ABOUT THE NATURE AND SEVERITY OF THE
21 EMERGENCY, SUCH AS THE TYPE OF INCIDENT, THE LOCATION OF THE
22 INCIDENT, POTENTIAL HAZARDS INVOLVED, AND ANY IMMEDIATE ACTIONS
23 TAKEN OR REQUIRED;
- 24 (b) THE EXTENT OF THE IMPACT OF THE EMERGENCY, INCLUDING
25 ANY INJURIES, FATALITIES, PROPERTY DAMAGE, OR ENVIRONMENTAL
26 DAMAGE;
- 27 (c) IMPACTS ON OTHER SURFACE TRANSPORTATION, INCLUDING
28 BLOCKED ROADWAYS;
- 29 (d) IF THE EMERGENCY INVOLVES THE TRANSPORTATION OF
30 HAZARDOUS MATERIALS, SPECIFIC INFORMATION ABOUT THE MATERIALS
31 INVOLVED, THEIR QUANTITIES, AND ANY POTENTIAL RISKS TO PUBLIC
32 SAFETY OR THE ENVIRONMENT;
- 33 (e) RESPONSE ACTIONS TAKEN TO MITIGATE THE EMERGENCY;
- 34 (f) REQUESTS FOR ASSISTANCE, INCLUDING EVACUATIONS,
35 CONTAINMENT, AND ADDITIONAL RESOURCES; AND
- 36 (g) ANY IMMEDIATE COORDINATION EFFORTS THAT HAVE TAKEN
37 PLACE WITH LOCAL AUTHORITIES.

38 (3) AFTER PROVIDING THE EMERGENCY NOTIFICATION DESCRIBED
39 IN SUBSECTION (1) OF THIS SECTION, A RAILROAD SHALL SUBMIT
40 FOLLOW-UP REPORTS TO THE COMMISSION AND COORDINATE RESPONSE
41 EFFORTS PURSUANT TO SECTION 40-20-305.

42 (4) A RAILROAD THAT PROVIDES A NOTIFICATION DESCRIBED IN
43 SUBSECTION (1) OF THIS SECTION SHALL ALSO NOTIFY THE COMMUNITY

1 RAIL SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY
2 ADVISORY COMMITTEE OF THE INCIDENT WITHIN THIRTY DAYS AFTER
3 PROVIDING THE NOTIFICATION DESCRIBED IN SUBSECTION (1) OF THIS
4 SECTION."

5 Renumber succeeding C.R.S. sections accordingly.

6 Page 15, lines 11 and 12, strike "SECTION SHALL HAVE THE ABILITY TO"
7 and substitute "SECTION, WHICH UNION REPRESENTATIVE IS THE
8 RECOGNIZED REPRESENTATIVE OR THE RECOGNIZED REPRESENTATIVE'S
9 DESIGNEE UNDER THE COLLECTIVE BARGAINING AGREEMENT BETWEEN
10 THE UNION AND THE RAILROAD THAT WAS INVOLVED IN THE ALLEGED
11 VIOLATION, INJURY, OR DEATH, MAY".

12 Page 15, line 18, strike "40-20-304 (2)," and substitute "40-20-307 (2),".

13 Page 15, line 26, strike "40-20-304 (2);" and substitute "40-20-307 (2);".

14 Page 16, lines 1 and 2, strike "40-20-304 (2)." and substitute "40-20-307
15 (2).".

16 Page 16, line 12, strike "40-20-305 (3)" and substitute "40-20-308 (3)".

17 Page 16, line 18, after "(3)" insert "(a)".

18 Page 16, line 23, strike "(a)" and substitute "(I)".

19 Page 16, line 25, strike "(b)" and substitute "(II)".

20 Page 16, line 26, strike "(c)" and substitute "(III)".

21 Page 16, after line 27 insert:

22 "(b) MONEY IN THE FUND IS NOT INTENDED TO INCREASE THE
23 NUMBER OF FULL-TIME EMPLOYEES OF THE DEPARTMENT OF
24 TRANSPORTATION."

25 Page 18, after line 4 insert:

26 "(4) IN SATISFYING THE REQUIREMENTS OF THIS SECTION, A
27 RAILROAD SHALL COORDINATE ITS EFFORTS WITH LOCAL LAW
28 ENFORCEMENT AGENCIES AND THE HAZARDOUS MATERIALS SECTION OF
29 THE COLORADO STATE PATROL."

1 Page 18, strike lines 5 through 27.

2 Page 19, strike lines 1 through 12 and substitute:

3 **"40-20-311. Office of rail safety - agreement with federal**
4 **railroad administration - duties of commission, department of public**
5 **safety, and department of transportation - inspections - report -**

6 **repeal.** (1) THE OFFICE OF RAIL SAFETY IS CREATED WITH THE MISSION OF
7 ENSURING FREIGHT AND PASSENGER RAIL SAFETY IN THE STATE FOR THE
8 STATE'S UNIQUE AND DELICATE TERRAIN, ITS HEADWATERS, ITS
9 COMMUNITIES, AND ITS RAIL WORKERS. THE COMMISSION SHALL
10 ADMINISTER THE OFFICE IN ACCORDANCE WITH THIS ARTICLE 20.

11 (2) (a) AS SOON AS IS PRACTICABLE, THE COMMISSION, ON BEHALF
12 OF THE STATE, SHALL ENTER INTO AN AGREEMENT WITH THE FEDERAL
13 RAILROAD ADMINISTRATION PURSUANT TO 49 CFR 212 TO PARTICIPATE IN
14 INSPECTION AND INVESTIGATION ACTIVITIES. UNDER THE AGREEMENT, THE
15 COMMISSION SHALL SECURE THE AUTHORITY TO ADDRESS ALL RAILROAD
16 SAFETY DISCIPLINES, INCLUDING CROSSINGS, TRACK, SIGNAL AND TRAIN
17 CONTROL, MOTIVE POWER AND EQUIPMENT, OPERATING PRACTICES,
18 COMPLIANCE, AND HAZARDOUS MATERIALS.

19 (b) IF AN AGREEMENT CANNOT BE REACHED AS DESCRIBED IN
20 SUBSECTION (2)(a) OF THIS SECTION, THE COMMISSION, ON BEHALF OF THE
21 STATE, SHALL FILE AN ANNUAL CERTIFICATION PURSUANT TO 49 CFR
22 212.107.

23 (3) THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, AND
24 THE DEPARTMENT OF TRANSPORTATION SHALL ENGAGE IN INSPECTION AND
25 INVESTIGATION ACTIVITIES AS DESCRIBED IN 49 CFR 212 TO ADDRESS
26 COMPLIANCE WITH THE REQUIREMENTS OF THIS PART 3.
27 NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE AUTHORITY OF
28 THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, AND THE
29 DEPARTMENT OF TRANSPORTATION TO ENGAGE IN INSPECTION AND
30 INVESTIGATION ACTIVITIES PURSUANT TO THIS SECTION IS LIMITED TO:

31 (a) CLASS I RAILROADS;

32 (b) RAILROADS OPERATING ANY LINES THAT WERE USED BY CLASS
33 I RAILROADS AS OF THE EFFECTIVE DATE OF THIS PART 3;

34 (c) PASSENGER RAILROADS; AND

35 (d) INTERCITY RAILROADS.

36 (4) THE ATTORNEY GENERAL MAY BRING AN ACTION, CONSISTENT
37 WITH 49 CFR 212, TO ENFORCE STATE AND FEDERAL RAILROAD SAFETY
38 REGULATIONS. IN BRINGING SUCH AN ACTION, THE ATTORNEY GENERAL
39 SHALL COMPLY WITH 49 CFR 212.115.

40 (5) AN INTERESTED PARTY MAY:

41 (a) REQUEST THAT THE COMMISSION, THE DEPARTMENT OF PUBLIC
42 SAFETY, OR THE DEPARTMENT OF TRANSPORTATION INVESTIGATE AN

1 ALLEGED VIOLATION OF THIS PART 3; AND
2 (b) REPORT AN ALLEGED VIOLATION OF THIS PART 3 OR ANY OTHER
3 SAFETY CONCERN TO THE FEDERAL RAILROAD ADMINISTRATION OR THE
4 FEDERAL SURFACE TRANSPORTATION BOARD.
5 (6) THE COMMISSION MAY SEEK, ACCEPT, AND EXPEND GIFTS,
6 GRANTS, AND DONATIONS AND FEDERAL GRANT MONEY TO PURCHASE
7 TRAINING MATERIALS AND OTHER EQUIPMENT AS NEEDED FOR THE
8 IMPLEMENTATION OF THIS SECTION.
9 (7) THE COMMISSION SHALL REGULARLY ENGAGE WITH CLASS I
10 RAILROADS, UNIONS REPRESENTING RAILROAD EMPLOYEES, LOCAL
11 GOVERNMENTS OF MUNICIPALITIES THAT CONTAIN RAILROAD LINES, FIRST
12 RESPONDER ORGANIZATIONS, DISPROPORTIONATELY IMPACTED
13 COMMUNITIES, AND ENVIRONMENTAL ORGANIZATIONS IN IMPLEMENTING
14 THIS SECTION.
15 (8) THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, AND
16 THE DEPARTMENT OF TRANSPORTATION ARE IMMUNE FROM LIABILITY FOR
17 ACTIONS PERFORMED PURSUANT TO THIS SECTION, AS DESCRIBED IN
18 ARTICLE 10 OF TITLE 24.
19 (9) (a) ON OR BEFORE DECEMBER 1, 2024, THE COMMISSION, THE
20 DEPARTMENT OF PUBLIC SAFETY, AND THE DEPARTMENT OF
21 TRANSPORTATION SHALL PROVIDE A REPORT TO THE GOVERNOR; THE
22 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE OF
23 THE HOUSE OF REPRESENTATIVES; AND THE TRANSPORTATION AND
24 ENERGY COMMITTEE OF THE SENATE. THE REPORT MUST BE DEVELOPED IN
25 CONSULTATION WITH THE COMMUNITY RAIL SAFETY ADVISORY
26 COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE AND
27 INCLUDE:
28 (I) AN ASSESSMENT OF THE STAFFING LEVELS AND EQUIPMENT
29 NECESSARY TO ENSURE RAILROADS' COMPLIANCE WITH FEDERAL AND
30 STATE RULES AND REGULATIONS AND MINIMIZE RAIL SAFETY RISKS FOR
31 RAILROADS, FACILITIES, WORKERS, AND COMMUNITIES THAT INCLUDE RAIL
32 LINES;
33 (II) AN INDICATION THAT PUBLIC DATA NOT SUBJECT TO
34 EXCEPTIONS UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
35 ARTICLE 72 OF TITLE 24, WILL BE SHARED WITH THE COMMUNITY RAIL
36 SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY
37 COMMITTEE;
38 (III) AN ASSESSMENT OF DATA COLLECTION AND REPORTING NEEDS
39 TO ENSURE ANNUAL REPORTING ON RAIL SAFETY, INCLUDING TRAIN
40 LENGTH, FOR COVERED RAILROADS AND FACILITIES;
41 (IV) AN ASSESSMENT OF EMERGENCY RESPONSE AND CLEANUP
42 CAPACITY NEEDED FOR HAZARDOUS MATERIALS INCIDENTS INVOLVING
43 RAILROADS;

1 (V) A QUANTIFICATION OF THE ADEQUATE LEVELS OF INVESTMENT
2 NECESSARY TO REDUCE HIGHWAY-RAIL CROSSING INCIDENTS AND OTHER
3 RISKS;

4 (VI) MECHANISMS FOR ENSURING EQUITABLE INPUT FROM
5 MEMBERS OF THE PUBLIC TO STATE AGENCIES REGARDING RAIL SAFETY;

6 (VII) AN ASSESSMENT OF BEST PRACTICES FOR ENSURING
7 FINANCIAL RESPONSIBILITY FOR RESPONSE, CLEANUP, AND DAMAGES FROM
8 MAJOR RAIL EVENTS, WHICH ASSESSMENT REVIEWS BEST PRACTICES FROM
9 OTHER STATES; AND

10 (VIII) (A) A LEGISLATIVE PROPOSAL CONCERNING THE CREATION
11 OF A FEE STRUCTURE, AN ASSESSMENT, AND A GOVERNANCE BODY AND AN
12 OFFICE OF RAIL SAFETY TO ADDRESS THE NEEDS DESCRIBED IN
13 SUBSECTIONS (9)(a)(I) TO (9)(a)(VI) OF THIS SECTION, WHICH FEE
14 STRUCTURE, ASSESSMENT, AND GOVERNANCE BODY CAN BE INTRODUCED
15 AS LEGISLATION AS SOON AS THE 2025 REGULAR LEGISLATIVE SESSION
16 AND BEGIN OPERATING NO LATER THAN JANUARY 1, 2027.

17 (B) THE REPORT MUST INCLUDE A RECOMMENDATION AS TO WHICH
18 STATE AGENCY WOULD HOST THE PROPOSED GOVERNANCE BODY TO
19 ENSURE PROPER COMPLIANCE WITH STATE AND FEDERAL LAW, EQUITABLE
20 ACCESS TO COMMUNITY AND WORKER ORGANIZATIONS, AND
21 ENFORCEMENT OF SAFETY REQUIREMENTS.

22 (b) IN PREPARING THE REPORT DESCRIBED IN SUBSECTION (9)(a) OF
23 THIS SECTION, THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY,
24 AND THE DEPARTMENT OF TRANSPORTATION SHALL CONSULT WITH THE
25 ATTORNEY GENERAL, THE COMMUNITY RAIL SAFETY ADVISORY
26 COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE, AND
27 INTERESTED STAKEHOLDERS, INCLUDING CLASS I RAILROADS, UNIONS
28 REPRESENTING RAILROAD EMPLOYEES, LOCAL GOVERNMENTS OF
29 MUNICIPALITIES THAT CONTAIN RAILROAD LINES, FIRST RESPONDER
30 ORGANIZATIONS, DISPROPORTIONATELY IMPACTED COMMUNITIES, AND
31 ENVIRONMENTAL ORGANIZATIONS.

32 (c) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2026.

33 (10) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT
34 THIS SECTION.

35 **40-20-312. Community rail safety advisory committee -**
36 **membership - duties - rail safety plan - repeal.** (1) THE COMMUNITY
37 RAIL SAFETY ADVISORY COMMITTEE IS CREATED.

38 (2) (a) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE
39 CONSISTS OF THE FOLLOWING MEMBERS:

40 (I) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
41 ON A CLASS I FREIGHT RAIL LINE IN THE STATE, TO BE APPOINTED BY THE
42 SPEAKER OF THE HOUSE OF REPRESENTATIVES;

43 (II) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK

1 ON A CLASS I FREIGHT RAIL LINE IN THE STATE, TO BE APPOINTED BY THE
2 PRESIDENT OF THE SENATE; EXCEPT THAT THE MEMBER MUST REPRESENT
3 UNION WORKERS WHO WORK ON A CLASS I FREIGHT LINE OTHER THAN THE
4 CLASS I FREIGHT LINE WHOSE UNION WORKERS ARE REPRESENTED BY THE
5 MEMBER APPOINTED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION;
6 (III) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
7 ON A CLASS II OR III RAILROAD IN THE STATE, TO BE APPOINTED BY THE
8 GOVERNOR;
9 (IV) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
10 ON A PASSENGER RAIL LINE, TO BE APPOINTED BY THE SPEAKER OF THE
11 HOUSE OF REPRESENTATIVES;
12 (V) ONE MEMBER WHO REPRESENTS A DISPROPORTIONATELY
13 IMPACTED COMMUNITY, TO BE APPOINTED BY THE PRESIDENT OF THE
14 SENATE;
15 (VI) ONE MEMBER WHO REPRESENTS A STATEWIDE
16 ENVIRONMENTAL ORGANIZATION, TO BE APPOINTED BY THE GOVERNOR;
17 AND
18 (VII) ONE MEMBER WHO REPRESENTS AN ORGANIZATION WITH A
19 MISSION TO COLLABORATE WITH ENVIRONMENTAL ORGANIZATIONS AND
20 UNION REPRESENTATIVES, TO BE APPOINTED BY THE SPEAKER OF THE
21 HOUSE OF REPRESENTATIVES.
22 (b) THE APPOINTING AUTHORITIES DESCRIBED IN SUBSECTION
23 (2)(a) OF THIS SECTION SHALL MAKE THE INITIAL APPOINTMENTS ON OR
24 BEFORE AUGUST 1, 2024.
25 (c) THE MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
26 COMMITTEE EACH SERVE TERMS OF THREE YEARS; EXCEPT THAT:
27 (I) THE MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
28 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(VI)
29 AND (2)(a)(VII) OF THIS SECTION SHALL EACH SERVE AN INITIAL TERM OF
30 ONE YEAR; AND
31 (II) THE MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
32 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(III),
33 (2)(a)(IV), AND (2)(a)(V) OF THIS SECTION SHALL EACH SERVE AN INITIAL
34 TERM OF TWO YEARS.
35 (d) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
36 COMMITTEE SERVE AT THE PLEASURE OF THEIR RESPECTIVE APPOINTING
37 AUTHORITIES.
38 (e) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
39 COMMITTEE MAY SERVE AN UNLIMITED NUMBER OF TERMS.
40 (3) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
41 COMMITTEE SERVE WITHOUT COMPENSATION BUT MUST BE REIMBURSED
42 FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY EXPENSES
43 INCURRED IN THE PERFORMANCE OF THE MEMBERS' DUTIES PURSUANT TO

1 THIS SECTION.

2 (4) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE IS
3 REPEALED, EFFECTIVE SEPTEMBER 1, 2034. BEFORE THE REPEAL, THE
4 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE IS SCHEDULED FOR
5 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

6 **40-20-313. Rail industry safety advisory committee -**
7 **membership - duties - rail safety plan - repeal.** (1) THE RAIL INDUSTRY
8 SAFETY ADVISORY COMMITTEE IS CREATED.

9 (2) (a) THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE
10 CONSISTS OF THE FOLLOWING NINE MEMBERS, EACH TO BE APPOINTED BY
11 THE GOVERNOR:

12 (I) TWO MEMBERS WHO REPRESENT OPERATORS OF CLASS I
13 RAILROADS OPERATING FREIGHT RAIL LINES;

14 (II) ONE MEMBER WHO REPRESENTS A RAILROAD OTHER THAN A
15 CLASS I RAILROAD, WHICH RAILROAD OPERATES A FREIGHT RAIL LINE;

16 (III) ONE MEMBER WHO REPRESENTS A RAILROAD THAT OPERATES
17 A PASSENGER RAIL LINE;

18 (IV) TWO MEMBERS WHO REPRESENT FIRST RESPONDER
19 ORGANIZATIONS; AND

20 (V) ONE MEMBER WHO REPRESENTS THE PUBLIC UTILITIES
21 COMMISSION;

22 (VI) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF PUBLIC
23 SAFETY; AND

24 (VII) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
25 TRANSPORTATION.

26 (b) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS ON
27 OR BEFORE AUGUST 1, 2024.

28 (c) THE MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
29 COMMITTEE EACH SERVE TERMS OF THREE YEARS; EXCEPT THAT:

30 (I) THE MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
31 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(I)
32 AND (2)(a)(II) OF THIS SECTION SHALL EACH SERVE AN INITIAL TERM OF
33 ONE YEAR; AND

34 (II) THE MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
35 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(III)
36 and (2)(a)(IV) OF THIS SECTION SHALL EACH SERVE AN INITIAL TERM OF
37 TWO YEARS.

38 (d) MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
39 COMMITTEE SERVE AT THE PLEASURE OF THE GOVERNOR.

40 (e) MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
41 COMMITTEE MAY SERVE AN UNLIMITED NUMBER OF TERMS.

42 (3) MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
43 COMMITTEE SERVE WITHOUT COMPENSATION BUT MUST BE REIMBURSED

1 FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY EXPENSES
2 INCURRED IN THE PERFORMANCE OF THE MEMBERS' DUTIES PURSUANT TO
3 THIS SECTION.

4 (4) THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE IS
5 REPEALED, EFFECTIVE SEPTEMBER 1, 2034. BEFORE THE REPEAL, THE RAIL
6 INDUSTRY SAFETY ADVISORY COMMITTEE IS SCHEDULED FOR REVIEW IN
7 ACCORDANCE WITH SECTION 2-3-1203.

8 **40-20-314. Enforcement.** THE PUBLIC UTILITIES COMMISSION
9 SHALL CONDUCT PERIODIC COMPLIANCE REPORTS TO ENSURE EACH
10 RAILROAD IS IN COMPLIANCE WITH THIS PART 3."

11 Renumber succeeding C.R.S. section accordingly.

12 Page 19, after line 18 insert:

13 **"SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add**
14 **(25)(a)(III) and (25)(a)(IV) as follows:**

15 **2-3-1203. Sunset review of advisory committees - legislative**
16 **declaration - definition - repeal.** (25) (a) The following statutory
17 authorizations for the designated advisory committees will repeal on
18 September 1, 2034:

19 (III) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE
20 CREATED IN SECTION 40-20-313;

21 (IV) THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE CREATED
22 IN SECTION 40-20-314."

23 Renumber succeeding sections accordingly.

24 Page 1, strike lines 102 through 105 and substitute "**REQUIRING CERTAIN**
25 **RAILROADS TO USE WAYSIDE DETECTOR SYSTEMS, OPERATE TRAINS IN**
26 **A MANNER THAT MINIMIZES THE OBSTRUCTION OF EMERGENCY**
27 **VEHICLES AT HIGHWAY-RAIL CROSSINGS, AND, WHEN NECESSARY TO**
28 **ALLOW AN EMERGENCY VEHICLE TO PASS, SEPARATE A TRAIN;**".

29 Page 1, line 108, strike "INCIDENTS," and substitute "INCIDENTS;".

30 Page 1, line 109, strike "VIOLATIONS," and substitute "VIOLATIONS;".

31 Page 1, strike line 113.

32 Page 2, strike lines 101 and 102 and substitute "**RAIL SYSTEM; CREATING**
33 **THE OFFICE OF RAIL SAFETY; CREATING THE COMMUNITY RAIL SAFETY**
34 **ADVISORY COMMITTEE; AND MAKING AN APPROPRIATION.**".

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